MEMORANDUM

To Board of Regents

From: Board Office

Subject: Agreement (28E) with Department of Natural Resources for Management of

Iowa State University Brayton Memorial Forest

Date: March 31, 2003

Recommended Action:

Approve an agreement, as provided by <u>lowa Code</u>, §28E.4, between the Board of Regents, State of lowa and the Department of Natural Resources for the development, maintenance, and management of the lowa State University Brayton Memorial Forest.

Executive Summary:

Bequest of 1949 The University received the property in 1949 as a bequest from Emma

Brayton in memory of her parents.

Use by Forestry

Department

The bequest provided that the property be used by the ISU Forestry

Department.

No ISU staff avail-

able to maintain

It has become difficult for ISU to manage the property as it is located in

northeast Iowa where there are no ISU staff.

DNR an appropriate

manager

The proposed agreement will allow the University to continue research, demonstration and teaching activities at the property while the property is

developed, maintained, and managed by the Department of Natural

Resources.

Background:

1949 bequest of Emma Brayton in memory of parents

Used by Forestry Department

In 1949, Iowa State University received 306.7 acres of land in Delaware County in northeast Iowa as a bequest from Emma Brayton. (See Attachments A and B for location; south of US Highway 20 and east of State road 38, between Delhi and Hopkinton) The land was designated for the use of the ISU Forestry Department. The area is known as the ISU Brayton Memorial Forest. The bequest specified the University was

to use the land for forestry research and demonstration.

Used for demonstration & teaching The University has used the property to maintain a research, demonstration and teaching presence in northeastern lowa.

University lacks staff to maintain

The University does not have staff who can maintain and manage the property permanently assigned to this area of the state.

DNR can maintain and manage

The University has been in consultation with the Iowa Department of Natural Resources (DNR) concerning the use of the property. DNR is charged with responsibility for management of state-owned forests and wildlife management areas. DNR has the personnel and infrastructure to manage this property and has agreed to manage, maintain, and develop the ISU Brayton Memorial Forest for the public.

Timber resources analyzed by DNR

Income from agriculture and timer to ISU

DNR is prepared to conduct management activities for the benefit of the forest and its wildlife resources. This includes determining when and where timber harvesting on the land is appropriate and conducting timber sale bidding and contract administration. Proceeds from any timber sales and agricultural operations would be retained by ISU to cover the costs of management and maintenance of the property.

DNR performs minor maintenance and signage

ISU and DNR agree on improvements

Mediation of disputes

Termination allowed

The costs of minor fence maintenance, all signs and other miscellaneous costs associated with managing the property shall be paid by DNR. Improvements not covered by the proposed agreement shall be completed at the University's expense only after mutual agreement between DNR and the University. DNR will be responsible for bid letting and provide contract administration for such improvements.

Disputes arising from the proposed agreement shall be resolved through mediation.

The agreement can be terminated by either party upon ninety days' written notice.

Analysis:

ISU lacks resources to manage forest

DNR can manage forest

State law provides for agreements

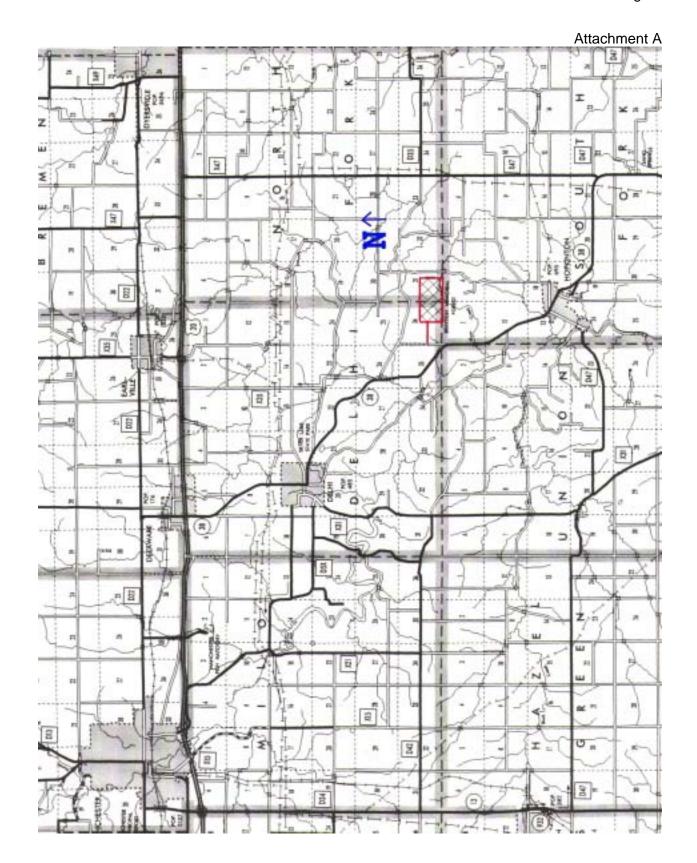
University continues activity

- ISU finds it difficult to manage the ISU Brayton Memorial Forest which it received as a bequest in 1949.
- DNR has the resources to maintain and manage the forest for the benefit of the public and ISU's Department of Forestry in a manner consistent with the bequest.
- The Board and DNR would enter an agreement pursuant to Lowa §28E.4 for the benefit of Iowa State University for the management, maintenance, and development of the forest.
- Pursuant to the agreement the University will continue to conduct research, demonstration, and teaching activities at the forest.

University reports purpose of bequest met

 As the University states the purpose of the bequest is met through this arrangement which benefits both the public and the University, approval of the 28E agreement is recommended.

Approved:



Attachment B

